DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 1/15/08 and 3/17/08 have been entered.

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2. Claims 30, 36, 44, 45, 67 and 76-93 are pending.

3. The IDS filed on 1/15/08 has been acknowledged.

4. In view of applicants' amendment to the claims and remarks, the rejection of record has been withdrawn.

5. The following new rejections are set forth herein.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 30, 45, 77, 79 and 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Caldreon-Aranda et al (Toxicon 37, 1999 p. 771-782).

Caldreon-Aranda et al. teach a composition comprising polyclonal F(ab')2 that binds to a scorpion venom of *Centruroides limpidus limpidus* and a scorpion venom mixture of *Centruroides noxius, Centruroides limpidus limpidus, Centruroides suffusus suffusus* (p. 774) and neutralization of the venom with antibody (p. 776-778).

The antibody composition is being injected to rabbits intravenously or subcutaneously (p. 778), so the claimed limitation of "pharmaceutical" is met.

Therefore, the reference teachings anticipate the claimed invention. Claims 36, 44, 67, 76, 78, 80, 81, 85, 86, 89, 92 and 93 are not included in the rejection because Applicants have demonstrated in their supplemental response filed 3/17/08 that the antibodies producted by the methods recited in the claims have different and superior properties from those of the prior art, and are not anticipated nor obvious.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 77, 82, 84, 87, 88, 90 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calderon-Aranda et al (Toxicon 37, 1999 p. 771-782) in view of Suchard et al. (Wilderness Medicine, p. 839-963, 200, IDS reference, NPL30).

The teachings of Calderon-Aranda et al. have been discussed, supra.

Calderon-Aranda et al. do not teach the scorpion venom from *Centruroides limpidus tecomanus* in the mixture as in claims 82, 84, and 87, 88, 90 and 91.

However, Suchard et al. teach that the polyvalent antivenin protects against all native Centruroides species is produced by the mixture of venom from most important species including *C. noxius, C.l. limpidus, C.l. tecomanus and C. suffusus* (p. 848, first column).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the venom of *C.l. tecomanus* as taught by Suchard et al. in the antigenic mixture to generate antibody F(ab')2 composition taught by Calderon-Aranda et al.

One of ordinary skill in the art would have been motivated to do so because the venom mixture comprising *C. noxius, C.l. limpidus, C.l. tecomanus and C. suffusus* provides protection of all native *Centruroides* species.

From the combined teachings of the references, one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole was prima facie obvious to one of the ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

10. Claims 36, 44, 67, 76, 78, 80, 81, 85, 86, 89, 92 and 93 are allowable.
Claims 30, 45, 77, 79, 82-84, 87, 88, 90 and 91 are rejected.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUNSOO KIM whose telephone number is (571)272-3176. The examiner can normally be reached on M-F,9-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen B. O'Hara can be reached on 571-272-0878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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